**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE J.B.KOSHY**

**MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929**

**Con.Case(C).No. 1727 of 2007(S)**

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**(NON-COMPLIANCE OF THE DIRECTIONS CONTAINED IN THE JUDGEMENT IN O.P.16353/1997 DTD. 08/10/1997 OF THIS COURT)**

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**PETITIONER:**

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**KADUTHURUTHY BLOCK TAXI DRIVERS UNION,**
**REG.NO.05/16/93, P.O.KADUTHURUTHY,**
**KOTTAYAM DISTRICT, REP. BY ITS SECRETARY,**
**K.V.THOMAS, S/O. VARKEY, AGED 45 YEARS.**

**BY ADV. SRI.T.RAVIKUMAR.**

**RESPONDENTS:**

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1. **THE REGIONAL TRANSPORT OFFICER,**
   **KOTTAYAM, AGED 50 YEARS (FATHER'S NAME NOT KNOWN).**

2. **THE DISTRICT COLLECTOR,**
   **KOTTAYAM, AGED 38 ( FATHER'S NAME NOT KNOWN).**

3. **THE SUPERINTENDENT OF POLICE,AGED 43**
   **(FATHER'S NAME NOT KNOWN),**
   **KOTTAYAM.**

4. **THE CIRCLE INSPECTOR OF POLICE,**
   **AGED 42, (FATHER'S NAME NOT KNOWN),**
   **KADUTHURUTHY.**

**BY GOVT. PLEADER SRI. NOBLE MATHEW.**

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**J.B. Koshy, J.**

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**Con. Case (Civil) No. 1727 of 2007 - S**

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**Dated this the 17th day of December, 2007**

**Judgment**

When a bus stop was ordered to be shifted from one place to another, O.P. No.16353 of 1997 was filed. When the writ petition came up for hearing, it was submitted that the above order shifting the bus stop was withdrawn. Therefore, the original petition was dismissed recording the submission that the order was withdrawn. No undertaking was given by any of the respondents that the bus stop will never be shifted. If the bus stop is shifted, it is for the petitioner to take fresh action challenging the new decision.

2. It is true that if an undertaking was given violation of the same will amount to contempt as held by the Supreme Court in Maruti Udyog Ltd. v. Mahinder C. Mehta (2007 (4) KLT SN 46 (Case No.50) SC). But, in this case, no undertaking was given and the only remedy to the petitioner is to challenge the new decision according to law. It is submitted that petitioner has filed a writ petition already. Without prejudice to the right of the petitioner in proceeding with his case, this contempt case is dismissed.

**J.B.Koshy**
**Judge**

vaa

**J.B. KOSHY, J.**

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Con. Case (Civil)
No.1727/2007

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**Judgment**

**Dated:18th December, 2007**